

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

032493-034

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

DOPPLER DIRECTED SUTURE LIGATION DEVICE AND METHOD

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on July 17, 2001 as

Application No. 09/909,124

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

| | |
|---|-------------------------------------|
| COMBINED DECLARATION AND POWER OF ATTORNEY | Attorney's Docket No. 032493-034 |
|---|-------------------------------------|

| COUNTRY/INTERNATIONAL | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
|--------------------------|--------------------|--------------------------------------|----------------------------|
| United States of America | 09/713,020 | 16 November 2000 | YES <u>X</u> NO <u> </u> |
| | | | YES <u> </u> NO <u> </u> |

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

| | | |
|---|---|---|
| William L. Mathis 17,337 Robert S. Swecker 19,885 Platon N. Mandros 22,124 Benton S. Duffett, Jr. 22,030 Norman H. Stepno 22,716 Ronald L. Grudziecki 24,970 Frederick G. Michaud, Jr. 26,003 Alan E. Kopecki 25,813 Regis E. Slutter 26,999 Samuel C. Miller, III 27,360 Robert G. Mukai 28,531 George A. Hovanec, Jr. 28,223 James A. LaBarre 28,632 E. Joseph Gess 28,510 | R. Danny Huntington 27,903 Eric H. Weisblatt 30,505 James W. Peterson 26,057 Teresa Stanek Rea 30,427 Robert E. Krebs 25,885 William C. Rowland 30,888 T. Gene Dillahunt 25,423 Patrick C. Keane 32,858 B. Jefferson Boggs, Jr. 32,344 William H. Benz 25,952 Peter K. Skiff 31,917 Richard J. McGrath 29,195 Matthew L. Schneider 32,814 Michael G. Savage 32,596 | Gerald F. Swiss 30,113 Charles F. Wieland III 33,096 Bruce T. Wieder 33,815 Todd R. Walters 34,040 Ronni S. Jillions 31,979 Harold R. Brown III 36,341 Allen R. Baum 36,086 Steven M. duBois 35,023 Brian P. O'Shaughnessy 32,747 Kenneth B. Leffler 36,075 Fred W. Hathaway 32,236 |
|---|---|---|



21839

and: Adam J. Cermak, Reg. No. 40391

Address all correspondence to:



21839

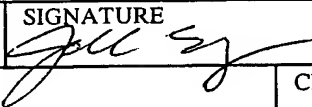
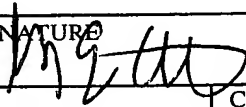
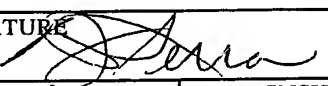
Robert E. Krebs, Esq.
 BURNS, DOANE, SWECKER & MATHIS, L.L.P.
 P.O. Box 1404
 Alexandria, Virginia 22313-1404

Address all telephone calls to: Robert E. Krebs at (650) 622-2300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|---|----------------------|-------------|
| FULL NAME OF SOLE OR FIRST INVENTOR | SIGNATURE | DATE |
| Fred BURBANK | <i>Fred Burbank</i> | 10/1/01 |
| RESIDENCE | | CITIZENSHIP |
| San Juan Capistrano, CA 92675 | | U.S.A. |
| POST OFFICE ADDRESS | | |
| 30982 Steeplechase Drive, San Juan Capistrano, CA 92675 | | |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| Michael L. JONES | <i>Michael Jones</i> | 10/1/01 |
| RESIDENCE | | CITIZENSHIP |
| Capistrano Beach, CA 02624 | | U.S.A. |
| POST OFFICE ADDRESS | | |
| 34441 Camino El Molino, Capistrano Beach, CA 92624 | | |

| | |
|---|-------------------------------------|
| COMBINED DECLARATION AND POWER OF ATTORNEY | Attorney's Docket No. 032493-034 |
|---|-------------------------------------|

| | | |
|---|---|-------------------|
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY Jill UYENO | SIGNATURE  | DATE 10/1/2001 |
| RESIDENCE 27550 Hillcrest #4Q, Mission Viejo, CA 92691 | CITIZENSHIP U.S.A. | |
| POST OFFICE ADDRESS 27550 Hillcrest #4Q, Mission Viejo, CA 92691 | | |
| FULL NAME OF FOURTH JOINT INVENTOR, IF ANY Greig E. ALTIERI | SIGNATURE  | DATE 10/1/2001 |
| RESIDENCE Laguna Beach, CA 92651 | CITIZENSHIP U.S.A. | |
| POST OFFICE ADDRESS 1102 Temple Hills, Laguna Beach, CA 92651 | | |
| FULL NAME OF FIFTH JOINT INVENTOR, IF ANY R. J. SERRA | SIGNATURE  | DATE 10/1/2001 |
| RESIDENCE 17 Misty Meadow, Irvine, CA 92612 | CITIZENSHIP U.S.A. | |
| POST OFFICE ADDRESS 17 Misty Meadow, Irvine, CA 92612 | | |
| FULL NAME OF SIXTH JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |
| FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |
| FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |
| FULL NAME OF NINTH JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |
| FULL NAME OF TENTH JOINT INVENTOR, IF ANY | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/909,124 | 07/17/2001 | Fred Burbank | 032493-034 |

EDWARD J. LYNCH
COUDERT BROTHERS LLP
600 BEACH STREET
3RD FLOOR
SAN FRANCISCO, CA 94109

RECEIVED

JUN 11 2002

COUDERT BROTHERS LLP
SAN FRANCISCO

CONFIRMATION NO. 6884



OC000000008233890

Date Mailed: 06/05/2002

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2002.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

LISA B FULTON
3700 (703) 308-2193

ATTORNEY/APPLICANT COPY

#6



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/909,124 | 07/17/2001 | Fred Burbank | 032493-034 |

CONFIRMATION NO. 6884

Robert E. Krebs, Esq.

BURNS, DOANE, SWECKER & MATHIS, L.L.P. RECEIVED

P.O. Box 1404

Alexandria, VA 22313-1404



OC000000008233887

JUN 11 2002

COUDERT BROTHERS LLP
SAN FRANCISCO

Date Mailed: 06/05/2002

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2002.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



LISA E FULTON
3700 (703) 308-2193

NEW ATTORNEY/AGENT COPY



JUNE 17, 2002

PTAS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
ROBERT E. KREBS, ESQ.
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

RECEIVED

JUN 24 2002

COUDERT BROTHERS LLP
SAN FRANCISCO

Chief Information Officer
Washington, DC 20231
www.uspto.gov

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/30/2001

REEL/FRAME: 012287/0441
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
HYSTERX, INC.

DOC DATE: 08/17/2001

ASSIGNEE:
VASCULAR CONTROL SYSTEMS, INC.
32236-E PASEO ADELANTO
SAN JUAN CAPISTRANO, CALIFORNIA



92675

SERIAL NUMBER: 09488467 /
PATENT NUMBER:

FILING DATE: 01/19/2000
ISSUE DATE:

SERIAL NUMBER: 09556934 /
PATENT NUMBER:

FILING DATE: 04/21/2000
ISSUE DATE:

SERIAL NUMBER: 09908815 /
PATENT NUMBER:

FILING DATE: 05/09/2002
ISSUE DATE:

SERIAL NUMBER: 09713020 /
PATENT NUMBER:

FILING DATE: 11/16/2000
ISSUE DATE:

012287/0441 PAGE 2

SERIAL NUMBER: 09909124 /
PATENT NUMBER:

SERIAL NUMBER: 09207572 ✓
PATENT NUMBER: 6254601

FILING DATE: 07/17/2001
ISSUE DATE:

FILING DATE: 12/08/1998
ISSUE DATE: 07/03/2001

DOROTHY BASMA, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



MARCH 13, 2002

PTAS
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
ROBERT E. KREBS, ESQ.
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Chief Information Officer
Washington, DC 20231
www.uspto.gov

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MAY - 2 2002



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COUDERT BROTHERS LLP
SAN FRANCISCO

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/18/2001

REEL/FRAME: 012471/0055
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BURBANK, FRED

DOC DATE: 10/01/2001

ASSIGNOR:
JONES, MICHAEL L.

DOC DATE: 10/01/2001

ASSIGNOR:
UYENO, JILL

DOC DATE: 10/01/2001

ASSIGNOR:
ALTIERI, GREIG E.

DOC DATE: 10/01/2001

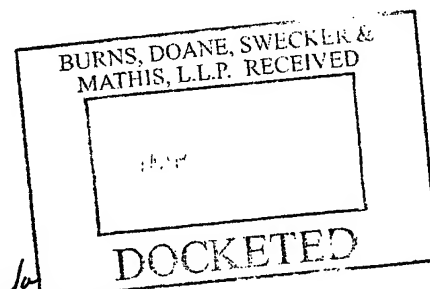
ASSIGNOR:
SERRA, R.J.

DOC DATE: 10/01/2001

ASSIGNEE:
HYSTERX, INC.
32236 PASEO ADELANTO, SUITE E
SAN JUAN CAPISTRANO, CALIFORNIA

92675

Vascular
032493-034
RER/KS



mda
3/19

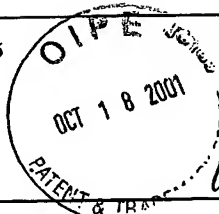
012471/0055 PAGE 2

SERIAL NUMBER: 09909124
PATENT NUMBER:

FILING DATE: 07/17/2001
ISSUE DATE:

DOROTHY BASMA, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1595
(Rev. 6/93)



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PA

01-22-2002



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DEPARTMENT OF COMMERCE
Patent and Trademark Office

Attorney's Docket No. 032493-034

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Fred Burbank, Michael L. Jones, Jill Uyeno, Greig E. Altieri, R. J. Serra

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name

Other: _____

Execution Date: October 1, 2001

2. Name and address of receiving party(ies):

Name: HysteRx, Inc.

Address: 32236 Paseo Adelanto, Suite E

San Juan Capistrano, California 92675

United States of America

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/909,124

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert E. Krebs, Esq.

Address: BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404

Alexandria, Virginia 22313-1404

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR § 3.41): \$ 40.00

☒ Enclosed

☒ Authorized to be charged to deposit account, if necessary

8. Deposit account number:

02-4800

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Robert E. Krebs, Reg. No. 25,885
Name of Person Signing


Signature

October 18, 2001
Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

01/18/2002 DBYRNE 00000073 09909124

01 FC:581

40.00 OP

ASSIGNMENT

(JOINT)

THIS ASSIGNMENT, by FRED BURBANK, MICHAEL L. JONES, JILL UYENO, GREIG E. ALLEN, and R. J. SERRA, residing at 30982 STEEPLECHASE DRIVE, SAN JUAN, CAPISTRANO, CA 92675; 34441 CAMINO EL MOLINO, CAPISTRANO BEACH, CA 92624; 27550 HILLCREST #40, MISSION VIEJO, CA 92691 1102 TEMPLE HILLS, LAGUNA BEACH, CA 92651 and 17 MISTY MEADOW, IRVINE, CA 92612 (hereinafter referred to as "the Assignors"), respectively, witnesseth:

WHEREAS, the Assignors have invented certain new and useful improvements in DOPPLER DIRECTED SUTURE LIGATION DEVICE AND METHOD set forth in an application for Letters Patent of the United States,

- (1) ☐ which is a provisional application
 - (a) ☐ to be filed herewith; or
 - (b) ☐ bearing Application No. _____, and filed on _____; or
- (2) ☒ which is a non-provisional application
 - (a) ☐ having an oath or declaration executed on even date herewith prior to filing of application;
 - (b) ☒ bearing Application No. 09/909,124, and filed on JULY 17, 2001; or
 - (c) ☐ to be filed; and

WHEREAS, HYSTERX, INC., a corporation duly organized under and pursuant to the laws of CALIFORNIA and having its principal place of business at 32236 PASEO ADELANTO, SUITE E, SAN JUAN CAPISTRANO, CALIFORNIA 92675 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignors have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the

Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement, and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignors hereby authorize and request the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

| | | |
|-----------------------|-----------------------|---|
| Date <u>10/1/2001</u> | Signature of Assignor | <u>Fred Burbank</u> Fred Burbank |
| Date <u>10/1/2001</u> | Signature of Assignor | <u>Michael L. Jones</u> Michael L. Jones |
| Date <u>10/1/2001</u> | Signature of Assignor | <u>Bill Uyeno</u> Bill Uyeno |
| Date <u>10/1/2001</u> | Signature of Assignor | <u>Greig E. Altieri</u> Greig E. Altieri |
| Date <u>10/1/2001</u> | Signature of Assignor | <u>R. J. Serra</u> R. J. Serra |